

# House File 2228 - Introduced

HOUSE FILE \_\_\_\_\_  
BY HUNTER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act concerning young motor vehicle operators and passengers,  
2 including cell phone restrictions, passenger restraint  
3 requirements, and "alive at 25" education requirements for  
4 operating while intoxicated and providing penalties and an  
5 effective date.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TLSB 5948HH 82  
8 dea/nh/5

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1 1 Section 1. NEW SECTION. 321.363A CELL PHONE USE BY  
1 2 DRIVER UNDER EIGHTEEN PROHIBITED.  
1 3 A person under eighteen years of age shall not operate or  
1 4 utilize a mobile telephone, two-way radio, wireless electronic  
1 5 mail device, two-way pager, or any other device used for  
1 6 remote two-way communication while operating a motor vehicle  
1 7 on the roadway.  
1 8 Sec. 2. Section 321.445, subsection 2, unnumbered  
1 9 paragraph 1, Code 2007, is amended to read as follows:  
1 10 The driver and front seat occupants of a type of motor  
1 11 vehicle that is subject to registration in Iowa, except a  
1 12 motorcycle or a motorized bicycle, shall each wear a properly  
1 13 adjusted and fastened safety belt or safety harness any time  
1 14 the vehicle is in forward motion on a street or highway in  
1 15 this state except that a child under ~~eleven~~ eighteen years of  
1 16 age shall be secured as required under section 321.446.  
1 17 Sec. 3. Section 321.446, subsection 2, Code 2007, is  
1 18 amended to read as follows:  
1 19 2. A child at least six years of age but under ~~eleven~~  
1 20 eighteen years of age who is being transported in a motor  
1 21 vehicle subject to registration, except a school bus or  
1 22 motorcycle, shall be secured during transit by a child  
1 23 restraint system that is used in accordance with the  
1 24 manufacturer's instructions or by a safety belt or safety  
1 25 harness of a type approved under section 321.445.  
1 26 Sec. 4. NEW SECTION. 321J.2C EDUCATION FOR PERSONS UNDER  
1 27 AGE TWENTY=ONE.  
1 28 Notwithstanding any other provision, a person under twenty=  
1 29 one years of age who operates a motor vehicle in violation of  
1 30 section 321J.2 or 321J.2A shall complete a classroom course  
1 31 approved by the department consisting of behavior-based  
1 32 training designed to promote positive and safe decision  
1 33 making. The classroom course required under this section  
1 34 shall be the "alive at 25" course developed by the national  
1 35 safety council, or a course that contains equivalent  
2 1 curriculum and meets the goals of the "alive at 25" course.  
2 2 The requirement imposed under this section is in addition to  
2 3 any other penalty, sanction, or educational requirement  
2 4 provided for a violation of this chapter.  
2 5 Sec. 5. Section 805.8A, subsection 14, Code 2007, is  
2 6 amended by adding the following new paragraph:  
2 7 NEW PARAGRAPH. j. CELL PHONE VIOLATIONS. For violations  
2 8 under section 321.363A, the scheduled fine is thirty dollars.  
2 9 Sec. 6. EFFECTIVE DATE. The section of this Act enacting  
2 10 section 321J.2C takes effect July 1, 2009.

### EXPLANATION

2 11  
2 12 This bill prohibits a person under 18 years of age from  
2 13 using a mobile telephone or other two-way communication device  
2 14 while operating a motor vehicle on the roadway. The  
2 15 prohibition would not apply when the vehicle is stopped on the  
2 16 shoulder of the highway or is otherwise off the highway. A  
2 17 violation is a simple misdemeanor punishable by a scheduled

2 18 fine of \$30.

2 19 The bill requires that passengers who are at least six but  
2 20 less than 18 years of age be secured by a child restraint  
2 21 system or by a safety belt or safety harness regardless of  
2 22 seating position in any motor vehicle, other than a school bus  
2 23 or motorcycle. Under current law, the restraint requirement  
2 24 applies to front seat occupants of any age, and to rear seat  
2 25 occupants under 11 years of age. In addition, the bill  
2 26 requires that all passengers 18 years of age or older use  
2 27 safety belts or safety harnesses regardless of seating  
2 28 position when riding in a vehicle operated by an intermediate  
2 29 licensee. A violation of the seat belt or child restraint law  
2 30 is a simple misdemeanor punishable by a scheduled fine of \$25.

2 31 The bill provides new remedial education requirements for  
2 32 persons under 21 years of age who operate a motor vehicle  
2 33 while under the influence of alcohol or drugs. The bill  
2 34 requires that such persons complete the "alive at 25" course  
2 35 developed by the national safety council or an equivalent  
3 1 course approved by the state department of transportation.

3 2 This provision takes effect July 1, 2009.

3 3 LSB 5948HH 82

3 4 dea/nh/5.1